REMARKS

Claims 10 and 12 are amended. Claim 13 is added.

Claim 10 has been amended so as to be properly in Group IV. Claim 12 has been amended so as to be properly in Group VI. Claim 13 is properly in Group I.

Claims 1-13 are pending in the application.

Restriction has been required between Claims 1-4 (Group I) said to be drawn to a peptide composition of matter; Claims 5-6 (Group II) said to be drawn toward a method of administration; Claim 7 (Group III) said to be drawn in part to a method of forming antibodies; Claims 8-9 (Group IV), said to be drawn to a method of administering NGF; Claim 10 (Group V), said to be drawn to a method of administering two peptides; Claims 7 in part and 11 (Group VI), said to be drawn to process of contacting in vitro NGF with an antibody.

Claim 10 has been amended so as to be properly in Group IV, and Claim 12 has been amended so as to be properly in Group VI. As amended,
Claims 1-4 and 13 constitute Group I,
Claims 5-6 constitute Group II,
Claim 7 constitutes Group III,
Claims 8-10 constitute Group IV,
Group V has been eliminated, and
Claims 11-12 constitute Group VI.

Claims 1-4 and 13 (Group I) are provisionally elected. The restriction requirement is traversed.

The basis for the requirement as stated in paragraph 4 is said to be that the "inventions are related as products but the products are patentably distinct. Each of the polypeptides has a unique structural feature which requires a unique search of the prior art.". Although apparently directed toward the composition peptides, no requirement has been made to elect a single peptide.

The requirement as stated is without legal basis, or at least is mooted by the addition of new claim 13. Sequence ID No.: 4 is required in all of the claimed peptides and is separately claimed. There is a disclosed relationship between all of the claimed peptides and they are therefore not independent. The relationship between Seq. ID No: 4 and all claimed peptides is that of subcombination and combination. MPEP 806.05(a). New claim 13 is separately directly toward SEQ ID No: 4. Where a combination as claimed sets forth the details of the subcombination as separately claimed, there is no evidence that combination AB_{sp} is patentable without the details of B_{sp}. The inventions are not distinct and a requirement for restriction must not be made or maintained even if the subcombination has separate utility. MPEP 806.05(c) I. Consideration of all peptide species is requested.

The basis for the requirement as stated in paragraph 5 is said to be that "...the different polypeptides and antibodies may be differentially used in alternative methods such as to make different antibodies, to detect different compositions, or to effect treatment and/or biological function related to different diseases." The reasoning is inapplicable to the claims of Groups I, II, III and VI, as the peptides are the same. In any event, Groups II, III and VI remain in condition for rejoinder. Reconsideration is requested.

The basis for the requirement as stated in paragraph 6 is that "the processes (of Groups II-VI) are distinct from each other as the processes differ in reagents, steps, functions and effects." The reasoning is inapplicable to restriction as among Groups II, III and VI as the reagents are the same. In any event, Groups II, III and VI remain in condition for rejoinder. Reconsideration is requested.

The basis for the requirement as stated in paragraph 7 is that the inventions are unrelated. Clearly, the invention of Groups I, II, III and VI are related as composition and methods of use of use of that

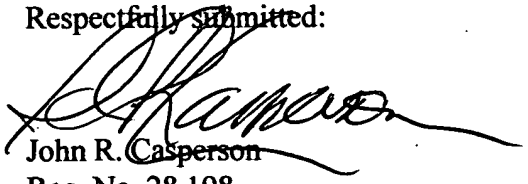
composition. Paragraph 8 admits same. In any event, Groups II, III and VI remain in condition for rejoinder. Reconsideration is requested.

The basis for the requirement as stated in paragraph 8 is that "the process for using the peptides or antibodies can be practiced with alternative nucleic acids or peptides and the products as claimed can be used alternatively in a method of treatment, a method of making antibodies, a method of screening compounds, and a method for detecting compositions." This is not the case with the inventions of Groups II, III and VI because they use the same peptides. In any event, the inventions of Groups II, III and VI remain in condition for rejoinder. Reconsideration is requested.

In paragraph 12, a requirement has been further made to elect species of diseases selected from Parkinson's and Alzheimer's, and species of administration selected from nasal insufflation, buccal administration, oral ingestion and intramuscular injection and to list the claims readable thereon. **The disease Alzheimer's is provisionally elected. The administration technique of oral ingestion is provisionally elected. Claims 5-6 and 8-9 are readable thereon.** The restriction requirement is traversed. "If the members of the markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even thought they may be directed to independent and distinct invention." MPEP 803.02. Reconsideration is requested.

Action on the merits of all claims is respectfully requested.

Respectfully submitted:



John R. Casperson
Reg. No. 28,198

Please mail correspondence to:
John R. Casperson
PO Box 2174
Friendswood, Texas 77549

Tel. No. 281-482-2961